

Appl. No.: 10/555,819

Amdt. Dated February 15, 2008

Response to Office Action Mailed October 17, 2007

REMARKS:

Applicant appreciates the time and care the examiner has taken in examining the application.

Request for Continued Examination. A request for continued examination and the required fee is submitted with this reply and amendment.

Remarks on the Amendment. In the amendment presented above, claim 6 has been amended to incorporate the limitations of claim 12, and accordingly claim 12 has been cancelled.

Claims 8, 10 and 11, previously found to be allowable if rewritten to be independent of any rejected base claim or intervening claims, have been rewritten accordingly, and should now be allowed.

Claim 9 now incorporates, through its dependence from claim 6, the claim 12 limitations newly added to claim 6 in this amendment. However, claim 9 remains allowable and should now be allowed in accordance with the previous finding of allowability of this claim.

Response to Rejection of Claims 6-7 and 12 under Section 102(b) over Reinbolt, U.S. Patent No. 5,256,123. Applicant requests reconsideration and withdrawal of this rejection, and states the following in support.

It is respectfully submitted that the arguments presented in the Response to Office Action filed July 27, 2007, remain applicable, and are herein incorporated by reference. In addition, applicant argues as follows.

Independent claim 6 contains the following limitation (emphasis added):

wherein the device is provided with a resistance control element (5) which allows the user to vary the amount of resistance offered by the hollow tube (1).

The variable resistance control feature is depicted in FIG. 2 and FIG. 4 in the instant specification. The function and construction of the resistance control element is explained in particular in a portion of Paragraph [0027] of the instant specification:

As seen in Fig. 4, there can one or more such kind of damping hole on the damping element 10. While the brace 2 rotates relatively to the tube 1, the resistance control element 5 will rotate relatively to the partition component 4. When the resistance control element 5 rotates through different angles, different number of damping holes will be covered by the resistance control element 5. So when the fluid goes from the left chamber to the right chamber, the resistances of the device at different positions are different. So, by rotating the brace 2, the resistance of the device can be changed. The device can offer different resistance for the user. As the vaginal muscle grows stronger, the user can choose stronger resistance for their exercise. Stronger resistance will help the muscle grow stronger.

Reinbolt fails to disclose or suggest a resistance control element that allows the user to vary the amount of resistance offered. In contrast to the limitations of claim 6, in Reinbolt, there

is no mention of any damping hole or any fluidal resistance offered by any damping hole. In fact, in Reinbolt, col. 4, lines 50-52, it states in regard to its opening between the first and second internal portions 100, 120: "The opening 500 should be sufficiently large to permit a free flow of fluid from one chamber to another without any impedance". Thus it is very clear that this opening is not a resistance control element, and moreover, is not a resistance control element that allows the user to vary the amount of resistance. Thus, Reinbolt neither discloses nor suggests the features as set forth in claim 6 herein.

Therefore, it is respectfully submitted that claim 6 herein is not anticipated by Reinbolt, U.S. Patent No. 5,256,123. By reason of dependence from claim 6, it also is submitted that claims 7 and 9 similarly are not anticipated by Reinbolt.

Allowable Claims. It is noted that the examiner has deemed claims 8 through 11 to be allowable if rewritten to be independent of in independent form including all of the limitations of the base claim and any intervening claims. Applicant has accordingly rewritten claims 8, 10 and 11 to be independent of any rejected base claim or intervening claim, in order to obviate the objection. Such claims should now be allowed. In addition, claim 9 should now be allowed, by virtue of containing the original limitations that led to the examiner's finding.

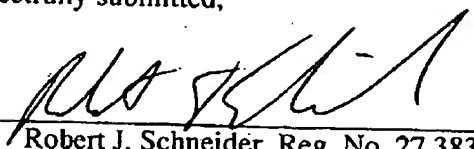
Conclusion. It is respectfully submitted that the application is in condition for prompt allowance and that all of the objections, rejections and requirements raised in the Office action have been met. Early, favorable treatment of this application is requested.

The examiner is encouraged to telephone the undersigned with any questions or comments so that efforts may be made to resolve any remaining issues.

Extension Request and Deposit Account Fee Charge Authorization. The Commissioner is hereby authorized to charge any necessary fees, or credit any overpayment, associated with this communication, including fees for any necessary extension of time under 37 CFR §1.136(a) for filing this communication, which extension is hereby requested, to our

Deposit Account No. 50-0305 of Chapman and Cutler LLP. SMALL ENTITY STATUS IS CLAIMED.

Respectfully submitted,

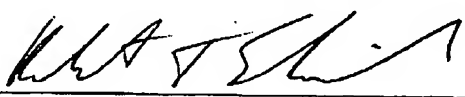
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CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

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I hereby certify that the attached correspondence, namely: Reply and Amendment with Request for Continued Examination, was transmitted by facsimile on the date listed above, to the U.S. Patent Office at the facsimile number listed above, under 37 C.F.R. § 1.8.

Signature: 
Typed Name of Person Signing this Certificate: Robert J. Schneider

Date of Signature: February 15, 2008